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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,930	01/31/2001	Sara H. Basson	YOR920000739US1	5324

7590

07/22/2004

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EXAMINER

LEE, MICHAEL

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 07/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/774,930

Applicant(s)

BASSON ET AL.

Examiner

M. Lee

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-12, 14-26, 28-30, 32-43, 45-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Burkhardt (DE 4435565).

Regarding claim 1, Burkhardt discloses a portable teletext display system showing an obtaining step (1), an autonomously processing step (3), and a providing step (6).

Regarding claims 2, 3, the portable display device is intended to use along any conventional television display device.

Regarding claim 4, teletext information is synchronized with picture information.

Regarding claim 5, teletext or closed caption is provided by a transcription service.

Regarding claim 6, closed caption of a television program is prestored.

Regarding claim 7, closed caption of a television program is generated in real time such as in a live news broadcast.

Regarding claim 8, the closed caption data in television studios are generated either by a stenographer, an automatic speech reorganization system, or a real-time alignment of a prestored transcription.

Regarding claim 9, closed caption data in Burkhardt are intended to be multilingual. For instance, a television program can have English closed caption while the second audio program (SAP) channel carries a different language closed caption, or a DVD player can provide different closed caption languages to the viewers.

Regarding claim 10, in order to provide a multilingual closed caption service, a translation service is needed. Such service is inherently included when a closed caption is being translated to another language.

Regarding claim 11, the obtained signal in Burkhardt is a television signal.

Regarding claim 12, television signals are intended to present picture signal to viewers, and translation services can translate the audio signal of the television signal into a desired language and presented to the viewers.

Regarding claim 14, Burkhardt shows a wireless link.

Regarding claim 15-26, 28, see the corresponding rejections as set forth above.

Regarding claim 29, Burkhardt shows a communication module (8).

Regarding claim 30, Burkhardt shows a keyboard 7.

Regarding claims 32-43, 45, in addition of above rejections, Burkhardt inherently includes a closed caption service system for transmitting closed caption data.

Regarding claim 46, Burkhardt shows an interface (8).

Regarding claim 47, Burkhardt shows a keyboard (7).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2614

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13, 27, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burkhardt (DE 4435565) as applied to claims above, and further in view of Beadles et al. (5,648,789).

Regarding claims 13, 27, and 44, Burkhardt does not specify the head mounted display as claimed. Beadles, from the similar field of endeavor, teaches the claimed head mounted display. By using head mounted display, deaf or hearing-impaired people can enjoy television shows, movies, and live shows as normal people do (col. 2, lines 15-61). Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to adapt the head mounted display into Burkhardt so that the hearing impaired people can simultaneously watch both the closed caption and the pictures.

5. Claims 31 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burkhardt (DE 4435565).

Regarding claims 31 and 48, Burkhardt does not specify the microphone for allowing the user to enter voice instructions to the processing device. The examiner takes Official Notice that using voice recognition system for entering command signals in a computer system is well in the art. This feature frees the user's hand from the computer keyboard, which effectively eliminates physical problems caused by the unnatural typing posture. Hence, it would have been obvious to one of ordinary skill in

the art at the time of the invention was made to include a voice recognition system into Burkhardt to perform the well-known functions as claimed.

Response to Arguments

6. Applicant's arguments with respect to claims 1-48 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Lee whose telephone number is **703-305-4743**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John Miller**, can be reached at **703-305-4795**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



**M. Lee
Primary Examiner
Art Unit 2614**

July 20, 2004